

Sec. 60. No county in this State shall be permitted to confine in the State penitentiaries any of its county convicts or prisoners before final conviction.

Sec. 61. The Prison Commission shall provide a seal whereon shall be engraved in the center a star of five points and the words, "Board of Prison Commissioners of Texas," around the margin, which shall be used to attest all official acts.

Sec. 62. There is hereby appropriated out of any funds in the State Treasury, not otherwise appropriated, the sum of three hundred thousand dollars, or so much thereof as may be necessary, for the fiscal year beginning September 1, 1910, for the purpose of carrying out the provisions of this act. Such sum, hereby appropriated, shall be under control and at the disposal of the Prison Commission as provided in this act.

Sec. 63. Chapters 1, 2, 3, 4, 5, 6, 7, and 8 of Title 79 of the Revised Statutes of 1895, relating to penitentiaries and their management, and all laws and parts of laws in conflict herewith are hereby repealed.

Sec. 64. This act shall take effect and be in force on and after the 20th day of January, 1911.

NINTH DAY.

Senate Chamber,
Austin, Texas,
Monday, August 29, 1910.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson presiding.

Roll call, quorum being present, the following Senators answering to their names:

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Ratliff.
Greer.	Senter.
Harper.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Terrell of Wise.
Hume.	Veale.
Kauffman.	Ward.
Kellie.	Watson.
Mayfield.	Weinert.
Meachum.	

Absent.

Real.	Willacy.
Sturgeon.	

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of Saturday, on motion of Senator Kellie, the same was dispensed with.

(See Appendix for petitions, memorials and committee reports.)

Morning call concluded.

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, August 29, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

House bill No. 9, A bill to be entitled "An Act defining 'bills of lading' and defining the word 'carrier' as these words are used in this act; providing that it shall be the duty of carriers, their officers and agents to issue negotiable bills of lading or straight non-negotiable bills of lading at the request of the shipper, between certain places prescribed in this act, and defining negotiable or order bills of lading and non-negotiable or straight bills of lading, and prescribing certain requirements for bills of lading; making all negotiable bills of lading negotiable by endorsement and delivery in the same manner as bills of exchange or promissory notes, and prohibiting the placing upon negotiable bills of lading any terms which would, in any manner, limit their negotiability; prescribing how bills of lading shall be issued and prohibiting the issuance of negotiable bills of lading in parts or sets; providing that all carriers shall keep posted up in certain places a written instrument authorizing their agents to sign bills of lading; prescribing the duties of carriers and their liability for failure to take up and cancel negotiable bills of lading when the goods or a part thereof have been delivered; prescribing that a court of competent jurisdiction may order goods delivered when negotiable bills of lading have been lost by the giving of a bond by the holder of the lost bill of lading, under certain conditions; prescribing certain duties of local station agents of carriers; prescribing and defining the duties and liabilities of carriers with reference to the consignee in a straight or non-negotiable bill of lading and to the holder of an order or negotiable bill of lading and providing that the carrier shall be

estopped to deny the receipt of goods described in a bill of lading, or vary the description thereof, as contained in the bill of lading under certain conditions named in this act; providing that the carrier shall not be liable under the provisions of this act when the goods are taken from his custody by legal process or sold to satisfy the carrier's lien, or sold under the provisions of the law; creating and defining certain criminal offenses for the violation of the provisions of this act, and prescribing penalties therefor; creating and defining certain criminal offenses with reference to the issuance or negotiation of bills of lading, and prescribing penalties therefor, and declaring an emergency."

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

BILL READ AND REFERRED.

The Chair (Lieutenant Governor Davidson) had referred, after its caption had been read, the following House bill:

House bill No. 9, referred to Committee on Internal Improvements.

SENATE BILL NO. 8—ON TABLE SUBJECT TO CALL.

The Chair laid before the Senate, on second reading and regular order,

Senate bill No. 8, A bill to be entitled "An Act defining bills of lading and defining the word 'carrier' as these words are used in this act; providing that it shall be the duty of carriers, their officers and agents, to issue negotiable bills of lading or straight non-negotiable bills of lading at the request of the shipper, between certain places prescribed in this act, and defining negotiable or order bills of lading and non-negotiable or straight bills of lading, and prescribing certain requirements for bills of lading, making all negotiable bills of lading negotiable by endorsement and delivery in the same manner as bills of exchange or promissory notes, and prohibiting the placing upon negotiable bills of lading any terms which would, in any manner, limit their negotiability; prescribing how bills of lading shall be issued; providing for the verification of bills of lading by affidavit of local agent of carrier, prescribing form of such affidavit; providing for record of same, and fixing fee for taking same, and prohibiting the

issuance of negotiable bills of lading in parts or sets; providing that all carriers shall keep posted up in certain places a written instrument authorizing their agents to sign bills of lading; prescribing the duties of carriers and their liability for failure to take up and cancel negotiable bills of lading, when the goods or a part thereof have been delivered; prescribing that a court of competent jurisdiction may order goods delivered when negotiable bills of lading have been lost by the giving of a bond by the holder of the lost bill of lading, under certain conditions, prescribing certain duties of local station agents of carriers; prescribing and defining the duties and liabilities of carriers with reference to the consignee in a straight or non-negotiable bill of lading and to the holder of an order or negotiable bill of lading and providing that the carrier shall be estopped to deny the receipt of goods described in a bill of lading, or vary the description thereof, as contained in the bill of lading under certain conditions named in this act; providing that the carrier shall not be liable under the provisions of this act when the goods are taken from his custody by legal process or sold to satisfy the carrier's lien, or sold under the provisions of the law; creating and defining certain criminal offenses for the violation of the provisions of this act, and prescribing penalties therefor; creating and defining certain criminal offenses with reference to the issuance or negotiation of bills of lading and prescribing penalties therefor, and declaring an emergency."

Senator Cofer moved that the bill be laid on the table subject to call.

The motion prevailed.

SENATE BILL NO. 9.

The Chair laid before the Senate, on second reading and regular order,

Senate bill No. 9, A bill to be entitled "An Act defining bills of lading and defining the words 'action,' 'bill,' 'consignee,' 'consignor,' 'goods,' 'holder,' 'order,' 'owner,' 'person,' 'purchase,' 'purchaser,' 'value,' 'in good faith,' and other words and terms used in this act; providing the forms of bills of lading and their essential terms; fixing the obligations and rights of carriers under their bills of lading; providing for the negotiation and transfer of bills of lading; fixing the obligations of the parties thereto; defining criminal offenses connected with the issuance and

handling of bills of lading; fixing penalties and punishments for such offenses; containing rules of interpretation and evidence relating to bills of lading, and declaring an emergency."

Senator Mayfield moved that the bill be laid on the table subject to call.

The motion prevailed.

SENATE CONCURRENT RESOLUTION NO. 1.

The Chair laid before the Senate, the following resolution:

Senate Concurrent Resolution No. 1:

Whereas, On the night of August —, 1910, a company of State rangers were led into a trap and fired upon from ambush, resulting in the killing of two rangers and the serious wounding of two others; therefore be it

Resolved by the Senate, the House concurring, That the Governor be and he is hereby authorized to offer a reward of not exceeding \$5000 for the arrest and conviction of the guilty party or parties, said reward to be paid upon such conditions as the Governor may prescribe.

For the purpose of carrying into effect the provisions of this resolution there is hereby appropriated out of any money in the State Treasury not otherwise appropriated the sum of \$5000, or so much thereof as may be necessary, to pay such reward as the Governor may see proper to offer.

There being a favorable majority committee report and an adverse minority committee report,

Senator Terrell of Bowie moved to adopt the minority committee report, and

Senator Murray moved, as a substitute, to adopt the majority committee report in lieu of the minority committee report.

Pending discussion,

Senator Murray moved to postpone further consideration of the resolution for an indefinite time.

The motion prevailed.

HOUSE BILL NO. 3.

The Chair laid before the Senate, on second reading and regular order,

House bill No. 3, A bill to be entitled "An Act to require persons and corporations, or receivers, engaged in constructing or repairing railroad cars, trucks or other railroad equipment, not

including locomotives, to erect and maintain buildings for the protection from rain, wind or other inclement weather, employes engaged in constructing or repairing railroad cars, trucks and other railroad equipment and providing penalties for the violation of this act, and regulating penalties and repealing Chapter 53, Acts of the Thirty-first Legislature of the State of Texas, entitled 'An Act to require all railroad companies doing business in this State to provide suitable premises and shelter for the protection from the weather of their employes while engaged in labor in the service of said railroad companies, and declaring an emergency.'"

Senator Brachfield moved that the bill be laid on the table subject to call.

The motion prevailed.

AT EASE.

The calendar being clear, on motion of Senator Brachfield the Senate was at ease subject to the call of the Chair.

IN SESSION.

At 11:35 o'clock a. m. the Senate was called to order by Lieutenant Governor Davidson.

COMMITTEE REPORTS.

By unanimous consent Senator Brachfield filed a committee report on House bill No. 9, the bill of lading bill, and Senator Weinert filed a committee report on Senate bill No. 10, the penitentiary bill.

RECESS.

Senator Hume moved that the Senate adjourn until 10 o'clock tomorrow morning.

Senator Terrell of Bowie moved as a substitute that the Senate recess until 4 o'clock today.

Action being on the longest time first, the motion to adjourn until 10 o'clock tomorrow morning was lost by the following vote:

Yeas—8.

Adams.	Kellie.
Hudspeth.	Murray.
Hume.	Watson.
Kauffman.	Weinert.

Nays—18.

Alexander.	Paulus.
Brachfield.	Perkins.
Bryan.	Ratliff.
Cofer.	Senter.
Greer.	Terrell of Bowie.
Harper.	Terrell of McLennan.
Holsey.	Terrell of Wise.
Mayfield.	Veale.
Meachum.	Ward.

Absent.

Peeler.	Sturgeon.
Real.	Willacy.

The motion to recess until 4 o'clock then prevailed.

AFTER RECESS.

The Senate was called to order by Lieutenant Governor Davidson.

MESSAGE FROM THE GOVERNOR.

Executive Office,
State of Texas.

Austin, August 29, 1910.

To the Legislature:

By virtue of authority vested in me by Section 40, Article 3, of the Constitution of the State of Texas, I hereby designate and present to you for your consideration the following subject and suggest legislation thereon:

1. Legislation amending an act entitled "An Act to authorize Galveston county to build and own the combination roadway and bridge from mainland to Galveston Island, across Galveston Bay, to connect as part of the roadways of the county on the island and mainland and the county to issue bonds for same on taxation; also establishing three mile limit and condemnation proceedings and providing for the right of way; also to authorize all corporations contracting for right of way upon or use of said structure to issue and sell bonds therefor under the regulation and authority of the Railroad Commission; and to lease and authorize corporations and the city of Galveston to lease right of easement of user of portion of said structure from such county on terms provided by this act and agreed on with the county commissioners court, with an emergency clause," approved March 16, 1907, being Chapter 26 of the Special Laws passed at the Regular Session of the Thirtieth

Legislature, by adding thereto Sections 1a and 1b, authorizing the commissioners court of said county to issue for the purpose mentioned in said act bonds of the county bearing interest at a rate not exceeding 6 per cent per annum and to levy and collect an additional annual ad valorem tax to pay interest and create a sinking fund on said bonds provided that a majority of the qualified property taxpaying voters of the county voting at an election to be held for that purpose shall vote such tax not to exceed fifteen cents on the one hundred dollars valuation of property subject to taxation in said county, and providing for the sale of such bonds, and for the cancellation or sale of bonds heretofore issued by said commissioners court under said act, and declaring an emergency.

Very respectfully,

T. M. CAMPBELL,
Governor of Texas.

BILLS AND RESOLUTIONS.

(By Unanimous Consent.)

By Senators Watson, Weinert, Perkins, Kellie and Paulus:

Senate Concurrent Resolution No. 2:

Resolved by the Senate, the House concurring, That the Fourth Called Session of the Thirty-first Legislature shall stand adjourned sine die at 12 o'clock noon, Saturday, September 3, 1910.

Read first time, and referred to Committee on State Affairs.

By Senator Kauffman:

Senate bill No. 11, A bill to be entitled "An Act to amend an act entitled 'An Act to authorize Galveston county to build and own the combination roadway and bridge from mainland to Galveston Island across Galveston Bay, to connect, as part of the roadways of the county on the island and mainland and the county to issue bonds for same on taxation; also establishing three mile limit and condemnation proceedings, and providing for the right of way; also to authorize all corporations contracting for right of way upon or use of said structure to issue and sell bonds therefor under the regulation and authority of the Railroad Commission; and to lease and authorize corporations and the city of Galveston to lease right of easement of user of portion of said structure from such county on terms provided by this act and agreed on with the county commissioners court, with an emergency

clause,' approved March 16, 1907, being Chapter 26 of the Special Laws passed at the Regular Session of the Thirtieth Legislature, by adding thereto Sections 1a and 1b, authorizing the commissioners court of said county to issue, for the purpose mentioned in said act, bonds of the county bearing interest at a rate not exceeding 6 per cent per annum and to levy and collect an additional annual ad valorem tax to pay interest and create a sinking fund on said bonds, provided that a majority of the qualified property tax paying voters of the county voting at an election to be held for that purpose shall vote such tax, not to exceed 15 cents on the \$100 valuation of property subject to taxation in said county, and providing for the sale of such bonds and for the cancellation or sale of bonds heretofore issued by said commissioners court under said act, and declaring an emergency."

Read first time, and referred to Committee on Roads, Bridges and Ferries.

SIMPLE RESOLUTION.

By Senator Brachfield:

Whereas, Senate bill No. 6, pending in the Senate upon a motion to reconsider, was inadvertently sent to the House of Representatives; therefore, be it

Resolved, That the House of Representatives be requested to return said Senate bill No. 6 to the Senate for further action.

COFER,
WARD,
BRACHFIELD.

The resolution was read and adopted.

ADJOURNMENT.

On motion of Senator Hudspeth, the Senate, at 1:10 o'clock, adjourned until 10 o'clock tomorrow morning.

APPENDIX.

COMMITTEE REPORTS.

(Floor Report.)

Austin, Texas, August 29, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Internal Improvements, to whom was referred

House bill No. 9, A bill to be entitled "An Act defining 'bills of lading' and defining the word 'carrier' as these words are used in this act; providing that it shall be the duty of carriers, their officers and agents, to issue negotiable bills of lading or straight non-negotiable bills of lading at the request of the shipper, between certain places prescribed in this act, and defining negotiable or order bills of lading and non-negotiable or straight bills of lading, and prescribing certain requirements for bills of lading; making all negotiable bills of lading negotiable by endorsement and delivery in the same manner as bills of exchange or promissory notes, and prohibiting the placing upon negotiable bills of lading any terms which would, in any manner, limit their negotiability; prescribing how bills of lading should be issued; providing for the verification of bills of lading by affidavit of local agent of carrier; prescribing form or such affidavit; providing for record of same, and fixing fee for taking same; and prohibiting the issuance of negotiable bills of lading in parts or sets; providing that all carriers shall keep posted up in certain places a written instrument authorizing their agents to sign bills of lading; prescribing the duties of carriers and their liability for failure to take up and cancel negotiable bills of lading, when the goods or a part thereof have been delivered; prescribing that a court of competent jurisdiction may order goods delivered when negotiable bills of lading have been lost by the giving of a bond by the holder of the lost bill of lading, under certain conditions; prescribing certain duties of local station agents of carriers; prescribing and defining the duties and liabilities of carriers with reference to the consignee in a straight or non-negotiable bill of lading and to the holder of an order or negotiable bill of lading, and providing that the carrier shall be estopped to deny the receipt of goods described in a bill of lading, or vary the description thereof, as contained in the bill of lading under certain conditions named in this act; providing that the carrier shall not be liable under the provisions of this act when the goods are taken from his custody by legal process or sold to satisfy the carrier's lien or sold under the provisions of the law; creating and defining certain criminal offenses for the violation of the provisions of this act, and prescribing penalties therefor; creating and defining certain criminal offenses with reference to the issuance or

negotiation of bills of lading, and prescribing penalties therefor, and declaring an emergency."

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, with the following amendment:

Amend by adding between the caption and Section 1 of the bill the following words: "Be it enacted by the Legislature of the State of Texas."

Brachfield, Chairman; Hume, Holsey, Perkins, Mayfield, Terrell of McLennan, Kauffman, Bryan.

Committee Room,

Austin, Texas, August, 29, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on State Penitentiaries, to whom was referred

Senate bill No. 10, A bill to be entitled "An Act to establish a prison system, and declaring the policy of the State with reference thereto; to provide for the management and control of such prison system; to provide for the control, management and treatment of all prisoners sentenced to the penitentiary; to abolish the leasing and hiring of State prisoners; to provide rules and regulations for the government and conduct of such prison system; to provide for a Board of Prison Commissioners; to provide for their appointment, and defining their powers, duties and authority; to provide for the purchase or sale of real estate by the Prison Commission; to vest title of all real estate owned by the prison system; to authorize the prison system to borrow money from the permanent school fund; to provide for the appointment of an auditor, and prescribe his duties; prescribing penalties for the violation of this act; repealing Chapters 1, 2, 3, 4, 5, 6, 7 and 8 of Title 79 of the Revised Statutes of 1895, and all laws and parts of laws in conflict with this act; making an appropriation to carry out the provisions of this act,"

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass.

WEINERT, Chairman.

Committee Room,

Austin, Texas, August 29, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 4, A bill to be entitled "An Act to require persons and corporations, or receivers, engaged in repairing railroad cars or other railroad equipment, not including locomotives, to erect and maintain buildings or sheds for the protection from rain, wind or other inclement weather, employees engaged in repairing railroad cars and other railroad equipment, and providing penalties for the violation of this act, and regulating penalties and repealing Chapter 53, Acts of the Thirty-first Legislature of the State of Texas, entitled 'An Act to require all railroad companies doing business in this State to provide suitable premises and shelter for the protection from the weather of their employees while engaged in labor in the service of said railroad companies, and declaring an emergency,'"

And find the same correctly engrossed.
WARD, Chairman.

Committee Room,

Austin, Texas, August 29, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 6, A bill to be entitled "An Act to amend Articles 4549 and 4550 of Chapter 11, Title 94 of the Revised Statutes of the State of Texas, and prescribe the conditions upon which the purchaser or purchasers, and associates, if any, of the property and franchises of a railroad company may become owners of its charter, or may organize a new corporation, and governing, regulating and limiting the stock and bonds of the new corporation, and of the old corporation, after the sale of its property and franchises, and declaring an emergency."

And find the same correctly engrossed.
WARD, Chairman.

TENTH DAY.

Senate Chamber,

Austin, Texas,

Tuesday, August 30, 1910.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson presiding.

Roll call, quorum being present, the following Senators answering to their names: